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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.  | CONFIRMATION NO. |
|--|-------------|----------------------|----------------------|------------------|
| 10/751,288   | 01/02/2004  | Yen-Wen Lin          | CFP-2152 (15722/618) | 2388             |
| 7590 07/01/2004  |             |                      | EXAMINER             |                  |
| Alan D. Kamrath<br>Rider Bennett, LLP<br>Suite 2000<br>333 South Seventh Street<br>Minneapolis, MN 55402 |             |                      | GRANT, ALVIN J       |                  |
|  |             |                      | ART UNIT             | PAPER NUMBER     |
|  |             |                      | 3723                 |                  |
| DATE MAILED: 07/01/2004  |             |                      |                      |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/751,288 | <b>Applicant(s)</b><br>LIN, YEN-WEN |  |
|                              | <b>Examiner</b><br>Alvin J Grant     | <b>Art Unit</b><br>3723             |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities:

Page 4, lines 8-12 reads, "Further, the distance from the addendum circle of the teeth 341 of the fore lug 34 to a longitudinal axis (i.e., the pivotal axis) of the pin holes 36 is smaller than that from the arcuate outer surface section 351 of the rear lug 35 to the pivotal axis, as shown in Figs. 6 and 7.". The Examiner understands the distance L1 to be the distance being referenced, which is the same for the fore lug and the rear lug.

Appropriate correction is required.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a) because they fail to show (in Figs. 6 and 7) that the distance from the pin hole to the outer periphery of the teeth in the prior art or in the fore lug is smaller than the distance from the pin hole to the outer periphery of the rear lug as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

**Claim 10** is objected to because of the following informality:

In line 2, change "a distance from a distance from an addendum" to read, "a distance from an addendum".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1-8** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 1**, lines 11-13 recites the limitation "a distance from an addendum circle of the teeth of the fore lug to the pivotal axis being smaller than that from the arcuate outer surface section of the rear lug to the pivotal axis" which is confusingly worded.

**Claim 8**, lines 1-4, recites the limitation "a distance from an addendum.....hole of the rear lug." which does not clearly state the distance being referenced.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 2 and 8-10**, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Hsich '698.

Hsich discloses an adjustable box head wrench comprising: a handle including an end having an engagement portion, a head including a pivotal portion pivotably connected to the end of the handle, the pivotal portion of the head including a fore lug and a rear lug that are located with reference to a ratcheting direction of the handle, an opening being defined between the fore lug and the rear lug, the engaging portion of the handle being received in the opening and pivotable about a pivotal axis, each of the fore lug and the rear lug having an arcuate outer surface section, a plurality of teeth being defined in the arcuate outer surface section of the fore lug, a retaining mechanism for releasably engaging with the teeth of the fore lug, allowing the head to be pivotally moved to a desired position relative to the handle and retaining the head in the desired position; and with the engaging portion of the handle including a pinhole, with the fore lug and the rear lug having aligned pin holes, and with a pin extending through the pin holes of the fore lug and the rear lug and through the pin hole of the engaging portion of the handle (Fig. 3).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsich in view of Dumont '339.

Hsich is described above. Hsich does not specifically disclose a mark for indicating a ratcheting direction. Dumont discloses a ratchet mechanism comprising a mark for indicating a ratcheting direction of the driver (Fig. 2). It would have been obvious to one having ordinary skill in the art at the time the invention

was made to have marked the drive member of Hsich as taught by Dumont so as to indicate the ratcheting direction of the driver.

### ***Allowable Subject Matter***

**Claims 3, 4, 6 and 7** would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims and also if rewritten in independent form including all of the limitations of the base claim and any intervening claims from which they depend.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin J Grant whose telephone number is (703) 305-3315. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J Hail can be reached on (703) 308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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